

## **AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Brandon Edwards, a Special Agent with Homeland Security Investigations, being first duly sworn, hereby depose and state as follows:

### **INTRODUCTION AND AGENT BACKGROUND**

1. Your affiant has been a Special Agent (SA) with Homeland Security Investigations (HSI) since 2019. As an HSI Special Agent, your affiant completed the Federal Criminal Investigator Training Program (CITP) and the HSI Special Agent Training Academy. During CITP and the HSI Academy training, your affiant was instructed in all phases of criminal investigations such as: Criminal Law, Search and Seizure, Investigative Techniques, Firearms Proficiency, and Evidence Handling. Your affiant has led and participated in numerous investigations of crimes involving drug smuggling, firearms trafficking, immigration, and other violations.
2. Your affiant has been the case agent on multiple contraband smuggling investigations to include firearms trafficking and narcotics smuggling. Your affiant is experienced with conducting surveillance, serving as the control agent for confidential sources, and investigating violations of the Immigration and Nationality Act (INA).
3. This affidavit is being submitted for the purpose of establishing probable cause that Sixto GARCIA has violated 8 U.S.C. §§ 1326(a) – Illegal Reentry of Removed Alien.
4. The information in this affidavit is based on my personal knowledge, information provided by other law enforcement officers and individuals, and the reports and memoranda of other law enforcement officers. The information in this affidavit is provided for the limited of establishing probable cause in connection with this application for a criminal complaint and an arrest warrant. This affidavit does not include all the information gathered during this investigation. The following information is based on my personal knowledge, the knowledge of other agents and officers, as well as investigations conducted by other law enforcement entities.

### **PROBABLE CAUSE – ILLEGAL REENTRY**

5. On or about November 7, 2024, Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) issued a detainer on Sixto GARCIA.
6. Law enforcement learned that on November 6, 2024, GARCIA was arrested by the Franklin County Sheriff's Office (FCSO) in connection to felony rape and sexual battery charges. GARCIA was indicted by a grand jury in Franklin County, Ohio on or about November 15, 2024 with three counts of Rape, in violation of Ohio Revised Code Section 2907.02, felonies in the first degree, and one count of Sexual Battery, in violation of Ohio Revised Code Section 2907.03, a felony in the third degree. The indictment was filed under case number 24 CR 006477 and the charges are still pending.
7. Upon being booked into the Franklin County Corrections Center, fingerprints were taken of GARCIA in order to verify this identity. Results from biometric queries indicated that the subject was confirmed to be Sixto GARCIA, associated with a specific Alien #, and Fingerprint Identification Number (FIN).

8. According to his A-file, GARCIA is a citizen of Mexico and has no legal status in the United States. A search of immigration databases and a criminal history search revealed the following immigration history:
  - a. On or about May 22, 2010 immigration officers apprehended GARCIA at or near Nogales, Arizona after unlawfully entering the United States of America in violation of 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act, as amended, in that GARCIA did not possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document. The violation specified that GARCIA entered into the United States illegally with the intent to reside in the United States.
  - b. On May 23, 2010, the United States Border Patrol (USBP) issued GARCIA a Notice and Order of Expedited Removal, Form I-860.
  - c. On May 23, 2010, GARCIA was removed from the United States through the Nogales, Arizona port.
  - d. On or about May 19, 2014, GARCIA was arrested by the Columbus, Ohio Fugitive Operations Team (OFOT) at or near Columbus, Ohio.
  - e. On or about May 19, 2014, GARCIA was issued a Notice of Intent/Decision to Reinstate Prior Order, Form I-871.
  - f. On or about May 27, 2014, GARCIA was removed from the United States through the Laredo, Texas Port.
  - g. On or about May 31, 2014, GARCIA illegally re-entered the United States near Douglas, Arizona. GARCIA was encountered by the USBP and was issued a Notice of Intent/Decision to Reinstate Prior Order, Form I-871.
  - h. On or about June 17, 2014, GARCIA was removed from the United States near El Paso, Texas.
9. Records checks confirmed that Sixto GARCIA did not receive permission from the Attorney General of the United States, or the Secretary of the United States Department of Homeland Security, for this re-entry into the United States.

### CONCLUSION

10. Based on the foregoing, your Affiant uses the above facts to establish probable cause for a violation of 8 U.S.C. §§ 1326(a)(1), for Sixto GARCIA in that he is an alien who has previously been removed from the United States and that he knowingly and unlawfully entered and was found in the Southern District of Ohio without obtaining the express consent of either the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States, in violation of 8 U.S.C. §§ 1326(a)(1).

**BRANDON  
G EDWARDS**

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BRANDON G EDWARDS  
Date: 2025.03.11  
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Brandon Edwards  
Special Agent  
Homeland Security Investigations

Sworn to via telephone on this 12th day of March 2025 after submission of the Affidavit by reliable electronic means pursuant to Fed. R. Crim. P. 3, 4(d), and 4.1

  
ELIZABETH A. PRESTON DEAVERS  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF OHIO